



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/178,329	10/23/1998	MICHAEL R. NOWAK	E4919-00003	4360

8933 7590 11/26/2008
DUANE MORRIS LLP - Philadelphia
IP DEPARTMENT
30 SOUTH 17TH STREET
PHILADELPHIA, PA 19103-4196

EXAMINER

JACKSON, MONIQUE R

ART UNIT	PAPER NUMBER
----------	--------------

1794

MAIL DATE	DELIVERY MODE
-----------	---------------

11/26/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/178,329	Applicant(s) NOWAK ET AL.	
	Examiner Monique R. Jackson	Art Unit 1794	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 August 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 25,26,28-35 and 37-58 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 25,26,28-35 and 37-58 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The amendment filed 8/29/08 has been entered. New claims 43-58 have been added. Claims 25, 26, 38-35 and 37-58 are pending in the application. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 103

2. Claims 25, 26, 28-35 and 37-58 are rejected under 35 U.S.C. 103(a) as being unpatentable over the admitted prior art in view of Wittosch et al and in further view of Finestone et al for the reasons generally recited in the prior office action and restated below.

3. The admitted prior teaches a ream of paper wrapped by a wrapping material comprising a paper layer and polymer and/or wax coating, particularly polyethylene coating, to provide a moisture barrier for the ream of paper (Pages 1-2), but do not teach the paper weight or the use of a solid film laminated to the paper with particular adhesives. However, Wittosch et al also teach a recyclable and repulpable coated ream wrap material for wrapping reams of paper comprising a cellulose-based paper substrate, a first polymer base coat layer, and at least one additional polymer coat layer on the base coat wherein each coating includes polymers such as polyvinyl acetate, ethylene vinyl acetate, acrylic modified poly(ethylacrylate), and polyvinylidene chloride and forms a pin-hole free continuous film, hence the Examiner takes the position that the base coat layer reads on the instantly claimed adhesive layer (Abstract.) Wittosch et al further teach that the paper substrate may be bleached or unbleached, recycled or virgin, or clay-coated paper, has a basis weight of preferably 20 to 150 lbs per 3,000 sq. ft., and a thickness of 0.004 to 0.025 inches (Col. 3, lines 31-40.) Wittosch et al teach that the coat layers may be formed from ethylene copolymers and may further comprise pigments or other additives (Col. 3, lines 4-30;

Art Unit: 1794

Col. 6, lines 28-40.) The admitted prior art and Wittosch et al do not teach that the polymer or polyethylene coating layer is solid during lamination to the paper substrate. However, the teachings of Finestone et al, as discussed in detail previously, recite that the tear and burst strength of a paper-plastic packaging laminate can be improved by laminating an oriented polymer film to the paper substrate wherein the polymer film is solid during lamination and imparts exceptional tear and burst strength to the resultant waterproof plastic-paper laminate product. Hence, one having ordinary skill in the art at the time of the invention would have been motivated to laminate a solid polymer or polyethylene film to the paper substrate in the invention taught by the admitted prior art and/or Wittosch et al in view of the teachings of Finestone et al. Further, one having ordinary skill in the art would have been motivated to determine the optimum number of polymer, adhesive or coat layers to provide the desired barrier or heat seal properties as is well established in the art, utilizing conventional coating materials in the art and disclosed by the references, wherein the use of metallization is also a known process step in the art to provide improved barrier properties in the packaging art as discussed in the prior office actions, including water and moisture barrier properties, and would have been obvious at the time of the invention. Further, one having ordinary skill in the art at the time of the invention would have been motivated to provide printing on any surface of any of the layers before or after lamination to provide the desired aesthetic properties or product information for the wrapped ream of paper, wherein printing between layers is well established in the art and discussed in detail in a prior office action, and an outer transparent polymer layer provides protection to the printed image while allowing it to be viewable to the consumer (see office action dated 5/23/07, evidenced by Peer or Scott or Akao or Olvey.)

Response to Arguments

4. Applicant's arguments filed 8/29/08 have been considered but are not persuasive. The Applicant argues that the prior art references fail to teach printing of the paper or polymer film prior to lamination, however the Examiner notes that printing prior to lamination is conventional in the art and would have been obvious to one having ordinary skill in the art as discussed previously, wherein reverse printing on the polymer film or printing on the paper prior to lamination of the polymer film to the paper is known to provide protection to the printed image while allowing the printed image to be viewed through the polymer film if transparent. Hence, the Examiner maintains her position that the instant invention would have been obvious over the prior art given that one having ordinary skill in the art would have been motivated to provide an intermediate print layer whether reverse printed on the polymer film or printed on the paper substrate to provide protection to the printed image.

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Art Unit: 1794

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Monique R. Jackson whose telephone number is 571-272-1508.

The examiner can normally be reached on Mondays-Thursdays, 10:00AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rena Dye can be reached on 571-272-3186. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Monique R Jackson/
Primary Examiner, Art Unit 1794
November 23, 2008